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COI QUERY

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All sources used are referenced and cited in the bibliography section. A quality review has been performed in line with the above mentioned COI methodology. This document does not claim to be exhaustive or conclusive as to the merit of any particular claim to international protection. If a certain event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist. Terminology used should not be regarded as indicative of a particular legal position.

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COI QUERY RESPONSE – Türkiye

Treatment by the state of individuals, including returnees, who are involved, or perceived to be involved, in pro-Kurdish social media activism

Sources reported that although freedom of expression and the media are constitutionally guaranteed, the exercise of these freedoms is restricted¹, including press freedom online.² These restrictions reportedly included ‘widespread’ censorship³, frequent bans of websites and social media expressing critical opinions of the government⁴, initiation of legal charges against social media users for their online content⁵, restriction of access to the internet, blocking and removal of online content⁶, and increasing surveillance of online users.⁷

In October 2022, a new media law was adopted by the Turkish parliament.⁸ The new law, also referred to as ‘Disinformation Law’⁹ and ‘Anti-Disinformation Law’¹⁰, consisted of a series of measures, amending different pieces of legislation, including the Penal Code, the Press Law, and the Internet Law.¹¹

The law introduced a criminal offence of ‘disseminating false information’¹², specifically providing that the public dissemination of disinformation is punishable by a term of imprisonment¹³ of between one to three years.¹⁴ The provision also includes online content¹⁵, whereas it applies ‘not only to personally posting disinformation but also to sharing it’.¹⁶

¹ Freedom House, Freedom on the Net 2023 - Turkey, 4 October 2023, [url](#); OSCE, Türkiye, General Elections, 14 May 2023, and Presidential Election, Second Round, 28 May 2023: Final Report, 29 September 2023, [url](#), pp. 20 – 21

² Freedom House, Freedom on the Net 2023 - Turkey, 4 October 2023, [url](#)

³ Freedom House, Freedom on the Net 2023 - Turkey, 4 October 2023, [url](#)

⁴ EC, Türkiye 2023 Report, 8 November 2023, [url](#), p. 37

⁵ Freedom House, Freedom on the Net 2023 - Turkey, 4 October 2023, [url](#)

⁶ USDOS, 2022 Country Report on Human Rights Practices: Turkey, 20 March 2023, [url](#), p. 46; France, OFPRA, Turquie : Poursuites pour des publications sur les réseaux sociaux [Turkey: Prosecution for publications on social networks], 1 March 2022, [url](#), p. 3

⁷ France, OFPRA, Turquie : Poursuites pour des publications sur les réseaux sociaux [Turkey: Prosecution for publications on social networks], 1 March 2022, [url](#), p. 3

⁸ EC, Türkiye 2023 Report, 8 November 2023, [url](#), p. 35

⁹ Freedom House, Freedom on the Net 2023 - Turkey, 4 October 2023, [url](#)

¹⁰ Netherlands, Ministry of Foreign Affairs, General Country of Origin Information Report on Türkiye, August 2023, [url](#), p. 19

¹¹ Freedom House, Freedom on the Net 2023 - Turkey, 4 October 2023, [url](#)

¹² USDOS, 2022 Country Report on Human Rights Practices: Turkey, 20 March 2023, [url](#), p. 47; HRW, World Report 2023 - Turkey, 12 January 2023, [url](#)

¹³ Netherlands, Ministry of Foreign Affairs, General Country of Origin Information Report on Türkiye, August 2023, [url](#), p. 19

¹⁴ Freedom House, Freedom on the Net 2023 - Turkey, 4 October 2023, [url](#)

¹⁵ Freedom House, Freedom on the Net 2023 - Turkey, 4 October 2023, [url](#)

¹⁶ Netherlands, Ministry of Foreign Affairs, General Country of Origin Information Report on Türkiye, August 2023, [url](#), p. 19

Sources reported on the wording of the law and the legal definition of the provision as vague.¹⁷ Sources also noted that the new law expanded the power of the Information and Communication Technologies Authority (BTK) to enforce social media companies' compliance with blocking and removing content, and providing user data requests, by adding criminal, administrative and financial liability for noncompliance.¹⁸

Concerning freedom of expression on the internet, the European Commission noted in a report published in August 2023 on Türkiye that the 'current legislation and its implementation do not guarantee an open and free internet in Türkiye'.¹⁹

In its annual report on the human rights situation covering 2022, Human Rights Watch noted that '[t]housands of people every year already face arrest and prosecution for their social media posts, typically charged with defamation, insulting the president, fomenting hatred, or spreading terrorist propaganda'.²⁰

In its 2023 report, the European Commission reported that several hundred cases were initiated against social media users on the basis of the new law in relation to the government's response to the February 2023 earthquakes.²¹ In particular, according to the same source 'legal action was taken against 609 persons, 150 people were detained and 29 were arrested for 'provoking the public into hatred and hostility' on social media platforms in connection with the recent earthquakes'.²² In relation to journalists, the European Commission also reported that over 700 people were prosecuted, 'with some 180 people being detained and more than 40 people arrested, for their social media posts on the February 2023 earthquakes'.²³

According to Freedom House, in the period between 1 June 2022 and 31 May 2023, several internet users 'who are outside of politics' received prison sentences.²⁴

Furthermore, according to a report published in March 2022 by the Office for the Protection of Refugees and Stateless persons (OFPRA) of France concerning the prosecution for

¹⁷ Netherlands, Ministry of Foreign Affairs, General Country of Origin Information Report on Türkiye, August 2023, [url](#), p. 19; OSCE, Türkiye, General Elections, 14 May 2023, and Presidential Election, Second Round, 28 May 2023: Final Report, 29 September 2023, [url](#), p. 20; EC, Türkiye 2023 Report, 8 November 2023, [url](#), p. 35; HRW, World Report 2023 - Turkey, 12 January 2023, [url](#); European Commission for Democracy through Law (Venice Commission), Türkiye: Urgent joint opinion of the Venice Commission and the Directorate General of human rights and rule of law (DGI) of the Council of Europe on the draft amendments to the penal code regarding the provision on "false or misleading information", 7 October 2022, [url](#), p. 3

¹⁸ AI, Amnesty International Report 2022/23; The State of the World's Human Rights; Türkiye 2022, 27 March 2023, [url](#); USDOS, 2022 Country Report on Human Rights Practices: Turkey, 20 March 2023, [url](#), p. 47

¹⁹ EC, Türkiye 2023 Report, 8 November 2023, [url](#), p. 37

²⁰ ; HRW, World Report 2023 - Turkey, 12 January 2023, [url](#)

²¹ EC, Türkiye 2023 Report, 8 November 2023, [url](#), p. 35

²² EC, Türkiye 2023 Report, 8 November 2023, [url](#), p. 37

²³ EC, Türkiye 2023 Report, 8 November 2023, [url](#), p. 34

²⁴ Freedom House, Freedom on the Net 2023 - Turkey, 4 October 2023, [url](#)

publications on social networks in Türkiye, the monitoring of the social media accounts of individuals abroad ‘is common’.²⁵

In a report concerning freedom on the net, covering the period between 1 June 2022 and 31 May 2023, Freedom House reported an increase in blocking of online content.²⁶ According to the Freedom of Expression Association (İFÖD)²⁷, as of December 2022, more than 712 000 domains and 150 000 URLs were blocked.²⁸ According to Freedom House, following the February 2023 earthquakes, ‘blocking orders were issued against 340 URLs and websites, mainly belonging to Kurdish media outlets and literary publishers’.²⁹

The Netherlands Ministry of Foreign Affairs in a Country of Origin Information Report on Türkiye published in August 2023, noted that individuals who posted ‘critical and dissenting messages on social media’ were targeted by the Turkish authorities when referring to particular topics, including the rights of the Kurdish minority and the conflict of Turkish state with the PKK (Kurdistan Workers’ Party).³⁰ According to the same report, posts referring to these topics were blocked or removed, whereas ‘anyone who posted or shared messages of this kind faced criminal proceedings’.³¹ Freedom House also reported that sharing pro-Kurdish content online has led to the enforcement of criminal penalties.³²

It was reported that authorities targeted members of the opposition for the content of their social media postings³³, which were used to launch criminal and civil complaints against them.³⁴ In its annual report on the human rights situation covering 2023, Human Rights Watch noted that ‘[s]cores of former HDP [pro-Kurdish Peoples’ Democratic Party] members of parliament, mayors, and party officials are in prison on remand or are serving sentences after being convicted of terrorism offenses’ including for their social media postings.³⁵ For instance, Human Rights Watch indicated that in the case of Selahattin Demirtaş and Figen Yüksekdağ, former HDP co-chairs, detained since November 2016, evidence for their detention included two social media postings ‘supporting protests over the Kobane siege sent from the HDP Twitter account’.³⁶

²⁵ France, OFPRA, Turquie : Poursuites pour des publications sur les réseaux sociaux [Turkey: Prosecution for publications on social networks], 1 March 2022, [url](#), p. 3

²⁶ Freedom House, Freedom on the Net 2023 - Turkey, 4 October 2023, [url](#)

²⁷ The Freedom of Expression Association (İFÖD – İfade Özgürlüğü Derneği) is a non-profit and non-governmental organization established by expert lawyers, academicians and human right activists in August 2017 with the aim to protect and foster the right to freedom of opinion and expression in Turkey; İFÖD, About us, n.d., [url](#)

²⁸ İFÖD, Reports & Books, n.d., [url](#)

²⁹ Freedom House, Freedom on the Net 2023 - Turkey, 4 October 2023, [url](#)

³⁰ Netherlands, Ministry of Foreign Affairs, General Country of Origin Information Report on Türkiye, August 2023, [url](#), p. 28

³¹ Netherlands, Ministry of Foreign Affairs, General Country of Origin Information Report on Türkiye, August 2023, [url](#), pp. 28 – 29

³² Freedom House, Freedom on the Net 2023 - Turkey, 4 October 2023, [url](#)

³³ Freedom House, Freedom on the Net 2023 - Turkey, 4 October 2023, [url](#)

³⁴ USDOS, 2022 Country Report on Human Rights Practices: Turkey, 20 March 2023, [url](#), p. 72

³⁵ HRW, World Report 2024 - Türkiye, 11 January 2024, [url](#)

³⁶ HRW, Turkey: Release Politicians Wrongfully Detained for 7 Years, 3 November 2023, [url](#)

Freedom House indicated that despite the legislative restrictions and increasing censorship of social media content, social media platforms ‘provide an important source of independent news’, whereas ‘Turkish internet users rely on online publications for reliable news’.³⁷ The Netherlands Ministry of Foreign Affairs in its 2023 report, citing oral sources, also noted that despite the restrictions, social media platforms continued to be a ‘vibrant arena for critical and dissenting viewpoints and voices’.³⁸ Furthermore, the same report noted that the ‘timing of the Turkish authorities’ decisions to launch criminal investigations, make arrests, or initiate criminal proceedings hinged on factors such as the topic and the fame and popularity of the individual in question’.³⁹ The same report also highlighted that ‘Turkish authorities usually responded promptly when a well-known individual posted a critical message on social media or when a prominent government official called for criminal proceedings against a social media user. When it comes to ordinary people, the Turkish government still acted, but it could sometimes take months or even years to do so’.⁴⁰ Corroborating information could not be found among the sources consulted by EUAA within time constraints.

Freedom House noted that censorship of independent, local, and foreign news outlets, state-sponsored media and government influence of social media content, as well as self-censorship, have adversely affected the reporting of information and the diversity of online content.⁴¹ In particular, media coverage ‘regarding the Kurdish-majority southeast is heavily controlled by the government’, whereas pro-Kurdish content is ‘subject to removal’.⁴²

In its annual report on the human rights situation covering 2023, Human Rights Watch noted that Kurdish journalists are ‘disproportionately targeted’ by the Turkish authorities.⁴³ The Coalition For Women In Journalism (CFWIJ), a non-profit organization aiming at fostering support to women journalists globally, in its 2023 First Quarterly Report, noted that Kurdish women journalists are most often targeted by the Turkish government, which uses ‘terrorism charges to censor and persecute them’.⁴⁴

Incidents of treatment by the state of individuals who are involved, or perceived to be involved, in pro-Kurdish social media activism, as reported by sources, include:

- In January 2024, the Stockholm Center for Freedom (SCF), a non-profit advocacy organization that aims at promoting the rule of law, democracy and human rights with a special focus on Türkiye, reported that the Turkish police carried out raids in 28 provinces and detained 165 individuals. Among those detained were members of the

³⁷ Freedom House, Freedom on the Net 2023 - Turkey, 4 October 2023, [url](#)

³⁸ Netherlands, Ministry of Foreign Affairs, General Country of Origin Information Report on Türkiye, August 2023, [url](#), p. 32

³⁹ Netherlands, Ministry of Foreign Affairs, General Country of Origin Information Report on Türkiye, August 2023, [url](#), p. 30

⁴⁰ Netherlands, Ministry of Foreign Affairs, General Country of Origin Information Report on Türkiye, August 2023, [url](#), p. 30

⁴¹ Freedom House, Freedom on the Net 2023 - Turkey, 4 October 2023, [url](#)

⁴² Freedom House, Freedom on the Net 2023 - Turkey, 4 October 2023, [url](#)

⁴³ HRW, World Report 2024 - Türkiye, 11 January 2024, [url](#)

⁴⁴ CFWIJ (Coalition For Women In Journalism), First Quarterly Report 2023, Under Threat: 145 Women Journalists Attacked, [2023], [url](#), p. 12

Peoples' Democracy and Equality (DEM) Party, the former pro-Kurdish HDP party⁴⁵, members of the Peace Mothers, an activist group 'advocating a peaceful resolution of the conflict between the state and the PKK', and peace activists.⁴⁶ According to the Interior Minister's statement, cited by the SCF, the detainees were arrested over 'their alleged involvement in or their social media propaganda on behalf of the outlawed Kurdistan Workers' Party (PKK)'.⁴⁷

- In November 2023, Reuters reported that according to a statement of the Turkish Ministry of Interior, the Turkish police carried out simultaneous operations across 18 provinces and detained 98 individuals, most of them on the charge of 'spreading PKK propaganda on social media'.⁴⁸
- In August 2023, Gökay Akbulut, a Turkish-born member of the German Parliament, reported that she was arrested upon entering Türkiye and temporarily detained 'on allegations of spreading terrorist propaganda'.⁴⁹ The politician, who according to Deutsche Welle has criticized the Turkish government on several occasions and 'is campaigning for Germany to lift a ban on the activities of the Kurdistan Worker's Party (PKK)', alleged her arrest had been linked to 2019 posts on social media.⁵⁰ She was released after contacting the German Foreign Office.⁵¹
- In July 2023, it was reported that the Turkish authorities arrested a journalist of the Mesopotamia News Agency over a social media post 'on the reappointment of prosecutors who had previously indicted 18 Kurdish journalists over terrorism charges'.⁵² The journalist is accused of 'targeting public servants tasked with fighting against terrorism'.⁵³ Four other journalists in different cities, including Izmir, Ankara, Istanbul, and Diyarbakır, were also detained for retweeting his post, and released after questioning, with a judicial review measure and a travel ban imposed.⁵⁴
- In April 2023, 19 days prior to the parliamentary elections, the Turkish police apprehended and detained 126 individuals, including members of the HDP's (Democratic Peoples' Party) leadership, YSP (Green Left Party) candidates, attorneys, journalists, human, rights defenders, and actors, across 21 different provinces.⁵⁵ Among the detainees were ten Kurdish journalists.⁵⁶ In July 2023, it was reported that files have been charged against one of the above-mentioned journalists on

⁴⁵ SCF, Crackdown on the Kurdish Political Movement and Opposition Groups: 2023 in Review, 19 February 2024, [url](#); Rudaw, Pro-Kurdish HEDEP changes acronym to DEM Party, 11 December 2023, [url](#)

⁴⁶ SCF, Turkey detains 165 in operations targeting Kurdish political movement, 16 January 2024, [url](#)

⁴⁷ SCF, Turkey detains 165 in operations targeting Kurdish political movement, 16 January 2024, [url](#)

⁴⁸ Reuters, Turkey detains 98 over alleged Kurdish militant links – ministry, 27 November 2023, [url](#)

⁴⁹ DW, German lawmaker briefly detained on trip to Turkey, 14 August 2023, [url](#)

⁵⁰ DW, German lawmaker briefly detained on trip to Turkey, 14 August 2023, [url](#)

⁵¹ Germany, BAMF, Briefing Notes Summary: Türkiye – July to December 2023, 31 December 2023, [url](#)

⁵² AI Monitor, Turkey arrests journalist over social media post, sparking outcry from civic groups, 25 July 2023, [url](#), p. 3

⁵³ AI Monitor, Turkey arrests journalist over social media post, sparking outcry from civic groups, 25 July 2023, [url](#)

⁵⁴ CPJ, Turkish authorities detain 5 journalists over tweet, 1 remains in custody, 26 July 2023, [url](#)

⁵⁵ Netherlands, Ministry of Foreign Affairs, General Country of Origin Information Report on Türkiye, August 2023, [url](#), pp. 26, 53

⁵⁶ Netherlands, Ministry of Foreign Affairs, General Country of Origin Information Report on Türkiye, August 2023, [url](#), p. 26

‘membership of a terrorist organisation and with disseminating terrorist propaganda’ on the basis of his news articles and social media posts.⁵⁷

- In April 2023, two journalists were sentenced to imprisonment of 21 and 18 months, respectively, under the charge of ‘making propaganda for the outlawed Kurdistan Workers’ Party (PKK)’ based on their alleged pro-Kurdish online articles and social media posts.⁵⁸
- In February 2023, BBC News reported that a freelance Kurdish journalist collaborating with ‘pro-opposition news sites such as Bianet and Duvar’, was detained and placed under a police investigation for ‘spreading “fake news”’ over his reporting, including through Twitter, on the earthquake of 6th February 2023.⁵⁹ Further information on this case could not be found among the sources consulted by EUAA within time constraints.
- Following her arrest in October 2022 in relation to a media statement about allegations on the use of chemical weapons by Türkiye in the Kurdistan Region of Iraq⁶⁰, the human rights activist and president of the Turkish Medical Association was sentenced to two years and eight months imprisonment, accused of ‘disseminating “terror organization propaganda”’.⁶¹ According to the World Organisation Against Torture (OMCT), in February 2021 the activist was ‘convicted of “insulting a public official”, and received a monetary fine of 7,800 TRY [about EUR 236]’ on account of her social media posts concerning the Gezi Park protests.⁶² She was released in January 2023.⁶³
- In April 2022, a sociologist, activist, and author was charged by prosecutors for the crime of ‘insult’ under the provisions of Article 125 of the Turkish Criminal Code, based on his social media activity. Specifically, his prosecution is based on two posts he made on X (formerly Twitter) in June 2020, in response to comments by Süleyman Soylu, the former Minister of Interior, and Devlet Bahçeli, head of MHP, the Nationalist Movement Party, criticizing a theater play written by Selahattin Demirtaş, former co-head of the pro-Kurdish political party HDP.⁶⁴
- In March 2022, an academic, who was imprisoned in November 2021 ‘after posting “Happy September Revolution to all Kurds. Long live Kurdistan” on his social media account’⁶⁵ on the charge of ‘making propaganda for a terrorist organization’, was acquitted by a Turkish court.⁶⁶
- In January 2022, a journalist, who was covering Kurdish areas in Iraq and Syria for several media outlets, was sentenced to life imprisonment on the charge of

⁵⁷ Netherlands, Ministry of Foreign Affairs, General Country of Origin Information Report on Türkiye, August 2023, [url](#), p. 26

⁵⁸ CPJ, Turkish courts find 2 journalists guilty on terror charges, 18 April 2023, [url](#)

⁵⁹ BBC News, Turkish journalists detained over earthquake reports, 25 February 2023, [url](#)

⁶⁰ NPR, Turkish medical group leader sentenced to prison after urging chemical weapons probe, 11 January 2023, [url](#); OMCT, Türkiye: Indictment of prominent woman rights defender Şebnem Korur Fincancı, 2 November 2022, [url](#)

⁶¹ NPR, Turkish medical group leader sentenced to prison after urging chemical weapons probe, 11 January 2023, [url](#)

⁶² OMCT, Türkiye: Indictment of prominent woman rights defender Şebnem Korur Fincancı, 2 November 2022, [url](#)

⁶³ Freedom House, Freedom on the Net 2023 - Turkey, 4 October 2023, [url](#)

⁶⁴ Article 19, Turkey: Criminal prosecution for ‘insult’ violates human rights, 8 November 2023, [url](#)

⁶⁵ Freedom House, Freedom on the Net 2023 - Turkey, 4 October 2023, [url](#)

⁶⁶ Rudaw, Kurdish academic acquitted by Turkish court following trial over ‘Kurdistan’, 18 March 2022, [url](#)



‘attempting to disrupt the unity of the state’.⁶⁷ The same journalist was also sentenced for ‘making terrorist propaganda’, with the evidence presented by the authorities including a post to his Facebook page from an area in Iraq then controlled by the Kurdistan Worker’s Party (PKK).⁶⁸

Specific information on the treatment by the state of returnees in particular who are involved, or perceived to be involved, in pro-Kurdish social media could not be found among the sources consulted by EUAA within time constraints.

⁶⁷ CPJ, Turkish journalist Rojhat Doğru sentenced to life in prison, 10 January 2022, [url](#)

⁶⁸ CPJ, Turkish journalist Rojhat Doğru sentenced to life in prison, 10 January 2022, [url](#)

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<https://www.omct.org/en/resources/urgent-interventions/turkey-indictment-of-prominent-woman-rights-defender-%C5%9Febnem-korur-fincanc%C4%B1>, accessed 16 February 2024

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